

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTTSDALE INSURANCE
COMPANY, as subrogee for PACIFIC
SHEET METAL, INC.

Plaintiff.

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FORD MOTOR COMPANY,

Defendant.

CASE NO. C10-373 MJP

ORDER GRANTING PACIFIC
SHEET METAL'S MOTION TO
INTERVENE AND DENYING A
CONTINUANCE

This comes before the Court on Pacific Sheet Metal's motion to intervene. (Dkt. No. 43.)

18 Having reviewed the motion, the Plaintiffs' response (Dkt. No. 47), the Defendant's response
19 (Dkt. No. 45), and Pacific Sheet Metal's reply (Dkt. No. 51), the Court **GRANTS** the motion to
20 intervene, **DENIES** the request for a continuance and bifurcates damages for Pacific Sheet Metal.

Discussion

22 Plaintiff Scottsdale Insurance Company (“Scottsdale”) is suing Defendant Ford Motor
23 Company (“Ford”) as a subrogee for Pacific Sheet Metal, Inc. (“PSM”). On January 7, 2009, a
24 fire broke out inside PSM’s Seattle warehouse, demolishing the warehouse and all equipment

1 inside. (Dkt. No. 37, Fetter Decl., ¶ 2.) PSM submitted claims to Scottsdale and purchased a
2 new warehouse at a different location. (Dkt. No. 38-4, Zagnich Decl. at ¶ 5.) Scottsdale
3 adjusted PSM's claim up to policy limits and sued Ford for subrogation, alleging the fire was
4 caused by a Ford 2004 F550 truck parked inside the warehouse. (Compl. at 7.)

5 PSM now seeks to intervene under Rule 24(b)(1)(B) because its damages exceeded the
6 sums paid by Scottsdale. (PSM's Compl., Dkt. No. 43-2.) Under Rule 24(b)(1)(B), the court
7 may permit anyone to intervene who . . . has a claim or defense that shares with the main action a
8 common question of law or fact. Fed. R. Civ. P. 24(b)(1)(B). Here, Scottsdale and PSM seek to
9 hold Ford liable for a products liability claim arising from the same operative facts, i.e., the
10 January 2009 fire allegedly started by a Ford truck. Since it would serve judicial economy to
11 consider the liability issue together and neither Scottsdale nor Ford oppose intervention, the
12 Court GRANTS PSM's motion to intervene.

13 With respect to the trial date, the Court DENIES the parties' request for a continuance.
14 After reviewing the Court's calendar and considering judicial efficiency, the Court sets trial for
15 July 6, 2011, i.e., one day after the most recently scheduled trial date. Judicial efficiency
16 includes the concept of fairness to all litigants seeking trial time on the Court's calendar. The
17 cause of action was filed in March 2010. The first trial date was set for May 23, 2011. The
18 parties requested a continuance which the Court granted. To continue the trial a second time
19 even briefly threatens the dates set aside for other litigants and squanders the time reserved in
20 this case. While the parties now request a two to six month continuance due to PSM's
21 intervention, the issues of liability and Scottsdale's damages are ready for trial. PSM's decision
22 to intervene at the eleventh-hour does not warrant a continuance.

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Conclusion

3 The Court GRANTS PSM's motion to intervene for the purposes of liability only and
4 DENIES the parties' request for a continuance. The issue of Pacific Sheet Metal's damages is
5 bifurcated, to be litigated at a separate trial.

The clerk is ordered to provide copies of this order to all counsel.

Dated this 15th day of June, 2011.



Marsha J. Pechman
United States District Judge